

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

ROBERT E. LITTLE and KATHLEEN D. LITTLE,)
)
)
Plaintiffs,)
)
)
v.) CASE NO. _____
)
WYNDHAM WORLDWIDE OPERATIONS, INC., WYNDHAM VACATION RESORTS, INC., WYNDHAM VACATION OWNERSHIP, INC., and CHRISTOPHER CLABOUGH,)
)
)
Defendants.)

NOTICE OF REMOVAL

Defendants Wyndham Worldwide Operations, Inc., Wyndham Vacation Resorts, Inc., and Wyndham Vacation Ownership, Inc., pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, hereby give notice of the removal of this action from the Chancery Court for the State of Tennessee, Davidson County, and state as grounds for removal:

1. Plaintiffs commenced a civil action against Defendants in the Chancery Court for the State of Tennessee, Davidson County, Docket No. 16-1096-I on October 14, 2016.
2. Plaintiffs Robert E. Little and Kathleen D. Little ("Plaintiffs") are citizens and residents of the State of Illinois. (Compl. ¶ 1).
3. Defendants Wyndham Worldwide Operations, Inc., Wyndham Vacation Resorts, Inc., and Wyndham Vacation Ownership, Inc. have not yet received service of process of a summons and the Complaint. The Defendants listed in this Paragraph will be collectively

referred to herein as the "Wyndham Defendants." Although the Wyndham Defendants have not been served, attached as **Exhibit 1** is a copy of the Complaint with all exhibits filed in the state court.

4. Defendant Wyndham Worldwide Operations, Inc. is a Delaware corporation, and its principal place of business is located at 22 Sylvan Way, Parsippany, New Jersey, 07054-3801. (Compl. ¶ 2).

5. Defendant Wyndham Vacation Resorts, Inc. is a Delaware corporation, and its principal place of business is located at 6277 Sea Harbor Drive, Orlando, Florida 32821-8043. (Compl. ¶ 3).

6. Defendant Wyndham Vacation Ownership, Inc. is a Delaware corporation, and its principal place of business is located at 6277 Sea Harbor Drive, Orlando, Florida 32821-8043. (Compl. ¶ 4).

7. Defendant Christopher Clabough is alleged to be a citizen of the State of Tennessee. [Compl. ¶ 5]. As of the date of filing this Notice of Removal, Defendant Christopher Clabough has not been served with the Summons and Complaint. Thus his citizenship in the forum state does not preclude removal under 28 U.S.C. § 1441(b)(2).

8. Based on the foregoing, there exists complete diversity of citizenship between Plaintiffs and all Defendants.

9. The amount in controversy exceeds the jurisdictional minimum of \$75,000.00. While the Wyndham Defendants contest that they are liable for any amount, Plaintiffs allege a specific amount of damages in their Complaint. Plaintiffs expressly seek compensatory damages of at least \$170,000 and punitive damages not to exceed \$500,000.00.

10. Based on the foregoing, this Court has original jurisdiction of this case pursuant to 28 U.S.C. § 1332(a), as amended, because the amount in controversy exceeds the jurisdictional minimum of \$75,000.00, and this action is between citizens of different states. Thus, this case is properly removable pursuant to 28 U.S.C. § 1441, et seq.

11. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b) because it is filed within thirty days of receipt “by the defendant(s), through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.” 28 U.S.C. § 1446(b).

12. Since October 14, 2016, the date Complaint was filed, there have been no other proceedings in this case in the Chancery Court of Davidson County, Tennessee.

13. Pursuant to 28 U.S.C. § 1446(d), Plaintiffs will be served with written notice of removal, and a copy of this Notice of Removal will be filed contemporaneously with the Chancery Court for the State of Tennessee, Davidson County. A true and correct copy of the Notice of Filing of Notice of Removal is attached hereto as **Exhibit 2**.

14. By filing the instant Notice of Removal, the Wyndham Defendants do not waive, and fully reserve, all defenses they may have, including but not limited to, defenses of lack of personal jurisdiction, lack of subject matter jurisdiction, improper venue, and failure to state a claim upon which relief may be granted.

15. Based on the foregoing, the Wyndham Defendants respectfully request that the United States District Court for the Middle District of Tennessee accept this Notice of Removal and assume jurisdiction of this cause and issue such further orders and processes as may be necessary to bring before it all parties necessary.

WHEREFORE, Defendants Wyndham Worldwide Operations, Inc., Wyndham Vacation Resorts, Inc., and Wyndham Vacation Ownership, Inc., hereby give notice that the above-described action now pending against them in the Chancery Court for Davidson County, Tennessee, at Nashville has been removed therefrom to this Court.

Dated this 20th day of October, 2016.

Respectfully submitted,

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.

s/Joy Boyd Longnecker

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 20th, 2016, a true and exact copy of the foregoing document was filed electronically and has been served upon the following parties in interest herein by delivering same to the offices of said parties in interest, or by mailing same to the offices of said parties in interest by United States Mail with sufficient postage thereon to carry the same to its destination.

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